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BEFORE THE
FEDERAL MARITIME COMMISSION

DOCKET NO. 15-11

SEP 12 2016

FEDERAL MARITIME COMMISSION
U.S. DEPARTMENT OF JUSTICE

IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV,

— vs. —

MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.

INFORMAL DOCKET NO.: 1953(I)

KAIRAT NURGAZINOV,

— vs. —

MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.

APPENDIX TO COMPLAINANTS' RESPONSE TO
RESPONDENTS' MOTION TO SEAL

APPENDIX “A”

Marcus A. Nussbaum

From: Jeffrey, Eric <ejeffrey@nixonpeabody.com>
Sent: Thursday, September 8, 2016 11:34 PM
To: marcus.nussbaum@gmail.com
Cc: Vohra, Anjali
Subject: Motion to Seal

I will in the morning be filing a motion to seal your disgraceful comments about Ms. Vohra, which in my view range well outside the litigation protection against defamation and may be the basis of a lawsuit against you. Please let me know by 9 am whether you consent.

Sent from my iPhone

Marcus A. Nussbaum

From: Marcus Nussbaum <marcus.nussbaum@gmail.com>
Sent: Friday, September 9, 2016 9:27 AM
To: Jeffrey, Eric
Subject: Re: Motion to Seal

Mr. Jeffrey,

I am in receipt of yours from 11:33 p.m. last night. While you may not sleep, the undersigned does. Accordingly, your demand for a response by 9:00 a.m. this morning is and was as you are well aware, grossly unreasonable, but entirely consistent with your methods of practice.

While we reject and disagree with your "view" of complainants' recent submission, we will be happy to consent to a "sealing" of same contingent upon your consent to seal all of respondents' submissions wherein you have made false, scurrilous and defamatory representations and statements against complainants and their counsel which fall well outside of any reasonable methods of practice.

Though we expect your latest threats to go the route of your unbalanced threat to contact "the police" over a reference to a song lyric, since you obviously have nothing better to do, take any misguided action you deem appropriate.

On Sep 8, 2016 11:33 PM, "Jeffrey, Eric" <ejeffrey@nixonpeabody.com> wrote:

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Marcus A. Nussbaum

From: Jeffrey, Eric <ejeffrey@nixonpeabody.com>
Sent: Friday, September 9, 2016 9:31 AM
To: Marcus Nussbaum
Subject: RE: Motion to Seal

Sorry, too late and unacceptable (although I could accept your offer and seal nothing). The pleading is done and will reflect your failure to respond. Stop filing pleadings between 10 pm and midnight and I will not need to send emails when you are allegedly asleep.



Eric C Jeffrey
Counsel
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Sent from my iPhone

Marcus A. Nussbaum

From: Marcus Nussbaum <marcus.nussbaum@gmail.com>
Sent: Friday, September 9, 2016 11:06 AM
To: Jeffrey, Eric
Cc: jlesk@nixonpeabody.com
Subject: Re: Motion to Seal

You are indeed “sorry”, and it is you who were “too late” by failing to engage in any “good faith” attempt to ‘meet and confer’ on this issue as you have failed to do with respect to each and every one of respondents’ endless and frivolous submissions.

Certainly, a ‘meet and confer’ encompasses more than a literal “eleventh hour” dictatorial ultimatum, despite your ignorance to the contrary.

The balance of your pompous lecturing, as always, neither merits nor requires a response.

Complainants’ response to your latest frivolous motion will follow under separate cover.

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